

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3005
)	
v.)	
)	
MELISSA SPEAR,)	MEMORANDUM AND ORDER
)	
Defendants.)	
_____)	

Melissa Spear has filed a second 2255 motion. There is no showing that she has obtained permission from the Court of Appeals to do so as required by 28 U.S.C. § 2255(h) and dismissal is therefore required. *See United States v. Hamilton*, 604 F.3d 572, 574 (8th Cir. 2010) (a “successive § 2255 motion is not permitted unless the motion is certified by a panel of this court [the Court of Appeals] to contain ‘newly discovered evidence’ or ‘a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.’”).

IT IS ORDERED the Motion to Vacate under 28 U.S.C. § 2255 (filing no. 108) and the Motion to Appoint Counsel (filing no. 109) are denied. A separate judgment will be issued.

DATED this 29th day of August, 2012.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge